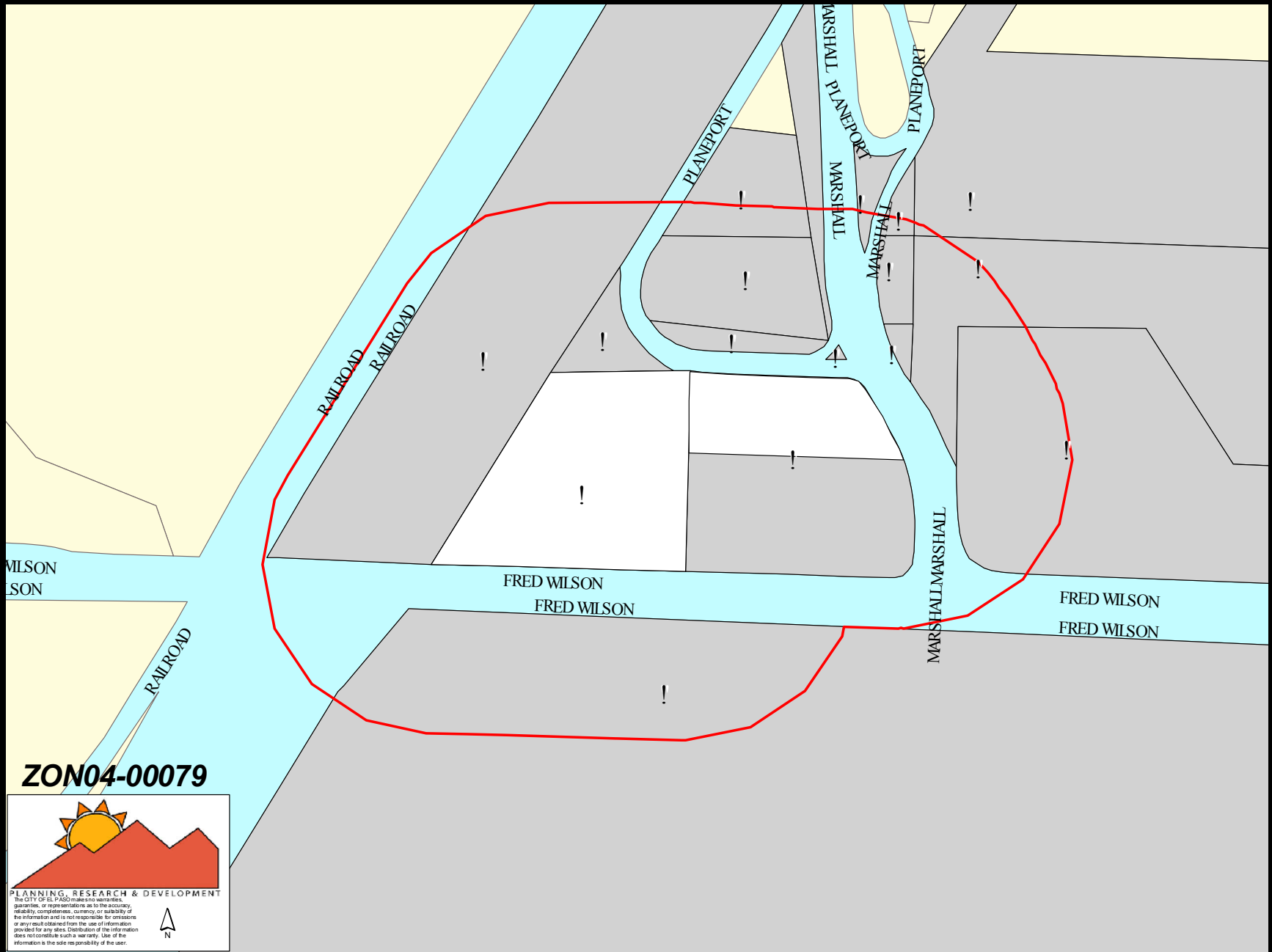




ZON04-00079





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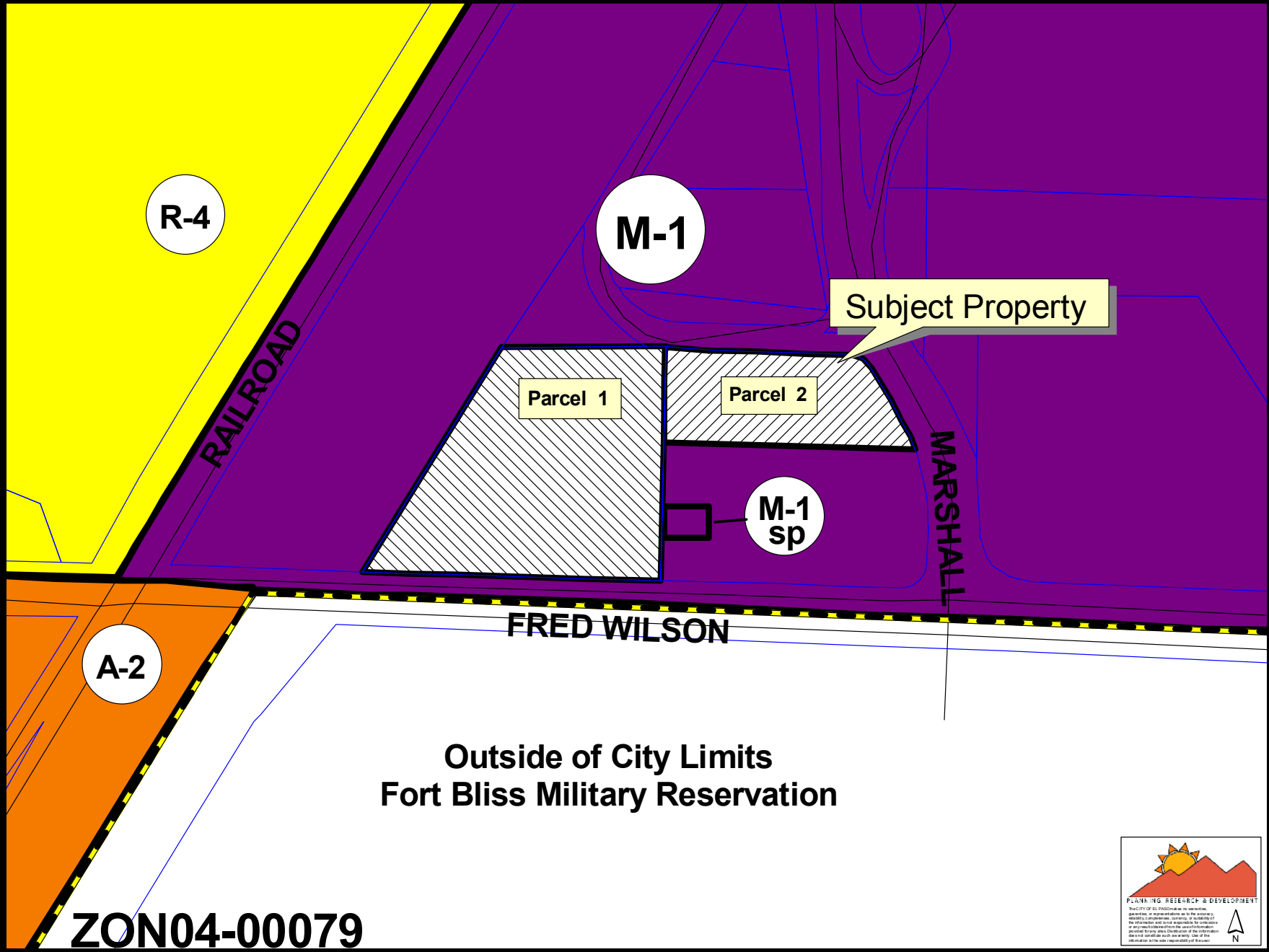


ZON04-00079



ZON04-00079





ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON04-00079 TO SATISFY PARKING REQUIREMENTS FOR PARCEL I DESCRIBED AS A PORTION OF SECTION 17, BLOCK 81, TOWNSHIP 2, TEXAS & PACIFIC RAIL ROAD COMPANY SURVEY. EL PASO COUNTY, TEXAS; BY ALLOWING OFF-SITE OFF-STREET PARKING ON PARCEL II, DESCRIBED AS A PORTION OF SECTION 17, BLOCK 81, TOWNSHIP 2, TEXAS & PACIFIC RAIL ROAD COMPANY SURVEY. EL PASO COUNTY, TEXAS (4707 FRED WILSON) PURSUANT TO SECTION 20.46.040 OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

WHEREAS, **HJH Overseas, LLC**, has applied for a Special Permit under Section 20.42.040 of the El Paso Municipal Code to allow the off-site parking requirements of Section 20.64.170 to be satisfied off-site;

WHEREAS, the requirements of Section 20.64.170 have been satisfied; and

WHEREAS, a report was made by the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That Parcel I, which is described as *A Portion of Section 17, Block 81, Township 2, Texas & Pacific Rail Road Company Survey, El Paso County, Texas, as more particularly described by metes and bounds in the attached and incorporated Exhibit "A"* is in an M-1 (Light Manufacturing) District which requires two (2) off-street parking spaces under Section 20.64.170 of the El Paso Municipal Code;

2. That the City Council hereby grants a Special Permit under Section 20.42.040 of the El Paso Municipal Code so that the off-street parking requirements described in Paragraph 1 of this Ordinance may be partially satisfied off-site (five parking spaces) as described in Paragraph 3 of this Ordinance;

3. That Parcel II, which is described as *A Portion of Section 17, Block 81, Township 2, Texas & Pacific Rail Road Company Survey, El Paso County, Texas, as more particularly*

described by metes and bounds in the attached and incorporated Exhibit "A" is located on a separate site from the property described in Paragraph 1 of this Ordinance;

4. That the City Council hereby grants a Special Permit under Section 20.42.040 so that the property described in Paragraph 3 of this Ordinance may be used as off-site off-street parking in order to partially satisfy the parking requirements described in Paragraph 1 of this Ordinance;

5. That this Special Permit is issued subject to the development standards in the M-1 (Light Manufacturing) District regulations and is subject to the approved Detailed Site Development Plan signed by the Applicant, the Mayor and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and is incorporated herein by reference for all purposes;

6. That if at any time the off-street parking spaces described herein are not available to fulfill the parking requirements described herein, or if the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON04-00079**, shall be subject to automatic termination; construction or occupancy shall be discontinued; and the Applicant shall be subject to the penalty provisions of Chapter 20.68 and any other legal or equitable remedy; and

7. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary to the City Plan Commission before building permits are issued.

PASSED AND APPROVED this 17th day of **August, 2004**.

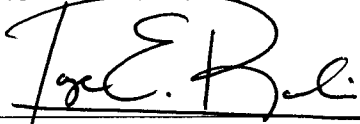
THE CITY OF EL PASO

Joe Wardy, Mayor

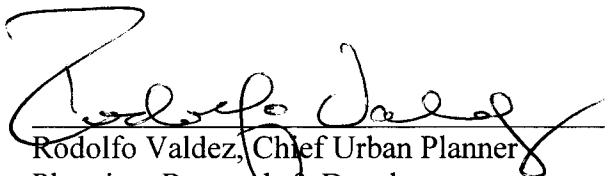
ATTEST:

Richarda Duffy Momsen, Municipal Clerk

APPROVED AS TO CONTENT:



Jorge E. Rousselin, Urban Planner
Planning, Research & Development



Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development

AGREEMENT

HJH Overseas, LLC, the Applicant referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Detailed Site Development Plan and in accordance with the standards identified in the M-1 (Light Manufacturing) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this _____ day of _____, 2004.

By: _____

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

 This instrument is acknowledged before me on this _____ day of _____, 2004, by **HJH Overseas, LLC**, as Applicant.

My Commission Expires:

Notary Public, State of Texas
Notary's Printed or Typed Name:

PROPERTY DESCRIPTION

December 8, 2002

Being the description of 4.933 acres of land in two separate parcels known as portions of Survey 17, Block 81, Township 2, Texas and Pacific Railway Co. Surveys, City of El Paso, El Paso County, Texas, being more particularly described by metes and bounds as follows:

PARCEL NO. 1 - 2.743 ACRES

BEGINNING AT AN "X" MARKED IN CONCRETE set on the existing North right-of-way of Fred Wilson Road, for the Southeast corner of this parcel, from which the intersection of the centerline of Fred Wilson Road and the centerline of the existing Union Pacific Railway main track bears *South 88°57'00" East, 683.44 feet, thence North 01°03'00" East, 40.00 feet*; and the Southwest corner of said Survey 17 bears *South 88°57'00" East, 1978.47 feet, thence North 01°03'00" East, 40.00 feet*;

THENCE North 88°57'00" West, with the North right-of-way of Fred Wilson Road, 187.00 feet to a point on the railroad overpass structure for a Southerly corner of this parcel;

THENCE North 01°03'00" East, continuing with said right-of-way, 5.00 feet to a ½" rebar with plastic cap stamped "TX1976-NM6846" set for a Southerly corner of this parcel;

THENCE North 88°57'00" West, continuing with said right-of-way, 190.17 feet to a ½" rebar with plastic cap stamped "TX1976-NM6846" set for a Southerly corner of this parcel;

THENCE North 28°34'00" East, continuing with said right-of-way, 16.91 feet to a ½" rebar with plastic cap stamped "TX1976-NM6846" set for a Southerly corner of this parcel;

THENCE North 88°57'00" West, continuing with said right-of-way, 70.49 feet to a ½" rebar with plastic cap stamped "TX1976-NM6846" set for the Southwest corner of this parcel;

THENCE North 30°51'26" East, along a line just outside the concrete support ribs of the West Heinz building wall, 375.71 feet to a ½" rebar with plastic cap stamped "TX1976-NM6846" set for the Northwest corner of this parcel;

THENCE South 88°57'00" East, along a line just outside the concrete support ribs of the North Heinz building wall feet, 253.09 feet to a ½" rebar with plastic cap stamped "TX1976-NM6846" set for the Northeast corner of this parcel;

THENCE South 01°03'00" West, along a line just outside the concrete support ribs of the East Heinz building wall, 346.00 feet to the point of beginning.

PARCEL NO. 2 - 2.190 ACRES

BEGINNING AT A ½" REBAR WITH PLASTIC CAP MARKED "TX1976-NM6846" set at the point of curvature to the Southeast on the Easterly right-of-way of Plane Port Loop, for a Westerly corner of this parcel, from which a TxDOT brass cap monument at Plane Port Loop centerline Station 12+47.31 bears *North 59°19'31" West, 25.00 feet, thence South 30°40'29" West, 3.26 feet;*

THENCE North 30°40'29" East, with the Easterly right-of-way of said Plane Port Loop, 428.25 feet to a ½" rebar with plastic cap marked "TX1976-NM6846" set at the intersection of said right-of-way with the Westerly right-of-way of Marshall Road for the most Northerly corner of this parcel, from this corner, a TxDOT brass cap monument found at Marshall Road centerline P.I. Station 52+87.78 bears *North 85°33'40" East, 94.61 feet, thence South 04°26'20" East, 460.30 feet;*

THENCE South 09°28'45" East, with the Westerly right-of-way of Marshall Road, 501.08 feet to a ½" rebar with plastic cap stamped "TX1976-NM6846" set at the intersection of said right-of-way with the Northerly right-of-way of aforesaid Plane Port Loop for the East-Southeast corner of this parcel;

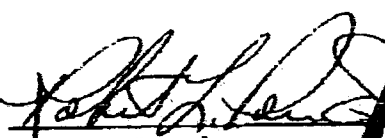
THENCE South 40°47'08" West, with the Northerly right-of-way of Plane Port Loop, 38.45 feet to a ½" rebar with plastic cap stamped "TX1976-NM6846" set for the South-Southeast corner of this parcel;

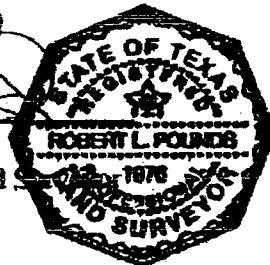
THENCE North 88°57'00" West, continuing with said right-of-way, 141.11 feet to a ½" rebar with plastic cap stamped "TX1976-NM6846" set at a point of curve to the right for a Southerly corner of this parcel;

THENCE Westerly, with said curve and with the Northerly right-of-way of Plane Port Loop, a distance of 62.06 feet to a ½" rebar with plastic cap stamped "TX1976-NM6846" set at a point of compound curvature to the right for the Southwest corner of this parcel, said curve has a radius of 606.62 feet, a central angle of 05°51'41" and a chord that bears North 86°01'10" West, 62.03 feet;

THENCE Northwesterly, with said compound curve, continuing with said right-of-way, 195.70 feet to the point of beginning, said curve has a radius of 98.56 feet, a central angle of 113°45'48" and a chord that bears North 26°12'26" West, 165.10 feet.

BEARINGS CITED IN THESE DESCRIPTIONS ARE BASED UPON THE DEED DESCRIPTION IN VOL. 651, PG. 1023, OF THE EL PASO COUNTY DEED RECORDS. A PLAT OF SAME DATE ACCOMPANIES THIS DESCRIPTION.


Robert L. Pounds
Registered Professional Land Surveyor



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